

**From:** Linc Wehrly  
**To:** Stephen Healy; Joel Ball; Arvon Mitcham  
**Subject:** Fw: GM SCR recall  
**Date:** 08/17/2011 02:21 PM  
**Attachments:** navistar opposition to motion to dismiss.pdf

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Does any of this seem familiar? Cliff told me that apparently GM has put "pre-certification" exemption labels on production trucks that are in commerce as part of a solution to an in-use problem with the SCR system. In other words, the vehicles had a problem with the SCR system and rather than fix the problem, they labeled the vehicles as "pre-certification" vehicles so that they would be retroactively exempt from standards and that they were given EPA's blessing to do this.

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----- Forwarded by Linc Wehrly/AA/USEPA/US on 08/17/2011 02:16 PM -----

**From:** Clifford Dean/DC/USEPA/US  
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**Cc:** Gregory Orehowsky/DC/USEPA/US@EPA, Kristien Knapp/DC/USEPA/US@EPA, Michelle Ibarra/DC/USEPA/US@EPA  
**Date:** 08/17/2011 01:58 PM  
**Subject:** GM SCR recall

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Linc,  
Pasted below is the N language I mentioned. See the last page of the attached document for the label we discussed. Please let us know if this rings any bells with anyone on the LD side.  
Thanks,  
Cliff

38. Separately, General Motors also conducted a "voluntary" recall of MY 2010 SCR-equipped Duramax engines because of SCR equipment failures. *See* Ex. 18 (Chevy and GMC Duramax Diesel Forum – GM RECALL (soon), <http://www.duramaxforum.com/forum/2011-lml-duramax-powertrain/87781-gm-recall-soon.html>) (last accessed August 8, 2011)). EPA reportedly has authorized GM to turn off the SCR system and issue Emission Control Information stickers indicating that these vehicles are exempt from the requirements of CAA § 203(a)(1), 42 U.S.C. § 7522(a)(1), which prohibits the sale of engines that are not covered by valid certificates of conformity. *See* Ex. 19 (Photograph of GM Emission Control Information Sticker, No. 207858, I.D. Code 33500).

